

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
ex rel. ZACHARY HOLTZMAN,

Plaintiff,

v.

DAVID J. WEGMAN,

Defendant.

23-CV-6275-DGL

UNDER SEAL

ORDER

The United States, having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730 (b)(4), the Court rules as follows:

IT IS ORDERED that,

1. The Complaint be unsealed immediately and served upon the defendant by the relator or dismissed;
2. That the Court unseal this Order and the government Notice of Election to Decline Intervention, which the relator will serve upon the defendant only after the service of the Complaint;
3. That United States' motions to extend time to consider intervention, along with supporting memoranda of law shall be sealed and/or remain sealed;
4. The seal be lifted as to all other matters occurring in this action after the date of this Order;
5. The parties shall serve all pleadings, motion papers and discovery filed or promulgated in this action, including supporting memoranda, upon the United States, as

provided for in 31 U.S.C. § 3730(c)(3). The United States may order and secure without further order of the Court any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

6. All Orders of this Court shall be sent to the United States; and

7. Should the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will secure the written consent of the United States before ruling or granting its approval.

SO ORDERED.

This 6 day of December, 2023

A handwritten signature in black ink, appearing to read "David Larimer", written over a horizontal line.

HON. DAVID G. LARIMER
UNITED STATES DISTRICT JUDGE